

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

In re TYRONE NOEL NUNN,

Plaintiff.

Case No. 2:24-cv-01642-GMN-MDC

ORDER

I. DISCUSSION

On September 5, 2024, Plaintiff, an inmate in the custody of the Nevada Department of Corrections (“NDOC”), submitted an untitled document without a case number that seeks to “obviate proposed state claim forms” in two other cases. (ECF No. 1-1). Although the Clerk of the Court labeled this document a “complaint,” it is not a complaint. (See *id.*) Plaintiff did not file a complaint or an application to proceed *in forma pauperis* in this matter.

Under Federal Rule of Civil Procedure 3, “[a] civil action is commenced by filing a complaint with the court.” Fed. R. Civ. P. 3. As such, the Court grants Plaintiff **until October 11, 2024**, to submit a complaint to this Court.

The United States District Court for the District of Nevada must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). The fee for filing a civil-rights action is \$405, which includes the \$350 filing fee and the \$55 administrative fee. See 28 U.S.C. § 1914(b). “Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*.” Nev. Loc. Special R. 1-1. For an inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court: (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, which is pages 1–3 of the Court’s approved form, that is properly signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is page 4 of the Court’s approved form, that is properly signed by both the inmate and a prison or jail official; and (3) a copy of the **inmate’s prison or jail trust fund account**

1 **statement for the previous six-month period.** See 28 U.S.C. § 1915(a)(1)–(2); Nev.
 2 Loc. Special R. 1-2. *In forma pauperis* status does not relieve an inmate of his or her
 3 obligation to pay the filing fee, it just means that the inmate can pay the fee in installments.
 4 See 28 U.S.C. § 1915(b).

5 The Court will grant Plaintiff an opportunity to file a complaint and a fully complete
 6 application to proceed *in forma pauperis* containing all three of the required documents,
 7 or in the alternative, pay the full \$405 filing fee for this action on or before **October 11,**
 8 **2024.**

9 Alternatively, if Plaintiff meant to file the document in the other two cases that he
 10 listed case numbers for in the body of the document, he should file a notice to voluntarily
 11 dismiss this case and then refile his document in the other two cases by clearly putting
 12 the case number(s) in the caption of the case he wants to file the document in.

13 **II. CONCLUSION**

14 For the foregoing reasons, it is ordered that Plaintiff will submit a complaint to this
 15 Court on or before **October 11, 2024.**

16 It is further ordered that the Clerk of the Court will relabel the untitled document at
 17 ECF No. 1-1 from “complaint” to “initiating document.”

18 It is further ordered that the Clerk of the Court will send to Plaintiff the approved
 19 form for filing a 42 U.S.C. § 1983 complaint and instructions for the same. The Clerk of
 20 the Court will also send Plaintiff a copy of his untitled document (ECF No. 1-1).

21 It is further ordered that the Clerk of the Court will send Plaintiff the approved form
 22 application to proceed *in forma pauperis* by an inmate, as well as the document entitled
 23 information and instructions for filing an *in forma pauperis* application.

24 It is further ordered that on or before **October 11, 2024**, Plaintiff will either pay the
 25 full \$405 filing fee or file a fully complete application to proceed *in forma pauperis* with all
 26 three required documents: (1) a completed application with the inmate’s two signatures
 27 on page 3, (2) a completed financial certificate that is signed both by the inmate and the
 28 prison or jail official, and (3) a copy of the inmate’s trust fund account statement for the

1 previous six-month period.

2 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if
3 Plaintiff fails to timely comply with this order. A dismissal without prejudice allows Plaintiff
4 to refile the case with the Court, under a new case number, when Plaintiff can file a
5 complaint and a complete application to proceed *in forma pauperis* or pay the required
6 filing fee.

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8 DATED: September 13, 2024

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10 UNITED STATES MAGISTRATE JUDGE
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